4-30 P.M.

Mr. SPEAKER.—The question is:

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1966 be taken into consideration."

The motion was adopted

CLAUSES

Mr. SPEAKER.—The question is:

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri D. DEVARAJ URS.—I beg to move:

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1966, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1966, be passed"

The motion was adopted.

MERCARA MUNICIPALITIES (PERFORMANCE OF FUNCTIONS BY THE EX-PRESIDENT) VALIDATION BILL, 1966.

Motion to consider.

Sri D. DEVARAJ URS (Minister for Transport and Tourism).—I beg to move:

"That the Mercara Municipalities (Performance of Functions by the Ex-President) Validation Bill, 1966, be taken into consideration."

Mr. SPEAKER.—Motion moved :

" That the Mercara Municipalities (Performance of Functions by the Ex-President) Validation Bill, 1966, be taken into consideration."

†ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ (ಮುಖ್ಯಮಂತ್ರಿಗಳು).—ಇದು ಬಹಳ ಸಣ್ಣ ಮಸೂದೆ. ಇಲ್ಲಿ ಏನಾಗಿದೆ ಎಂದು ಹೇಳಿದರೆ ಮುನಿಸಿಪಲ್ ಪ್ರೆಸಿಡೆಂಟರ ಒಂದು ಚುನಾವಣೆ ನಡೆಯಿತು. ಅದರ ಮೇಲೆ ಹೈಕೋರ್ಟಿಗೆ ರಿಟ್ ಹೋದರು. ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಚುನಾವಣೆ ಸರಿಯಾಗಿ ಇಲ್ಲ, ಕಾನೂನುಪ್ರಕಾರವಾಗಿ ಇಲ್ಲ ಎಂದು ಚುನಾವಣೆಯನ್ನು ರದ್ದುಪಡಿಸಿದರು. ಈ ಮಧ್ಯೆ ಅವರು ಧಾರ್ಜು ತೆಗೆದುಕೊಂಡು 3 ತಿಂಗಳು ಕೆಲಸ ಮಾಡಿದ್ದಾರೆ. 3 ತಿಂಗಳಿನಲ್ಲಿ ಏನು ಕೆಲಸ ಮಾಡಿದ್ದಾರೋ ಅದನ್ನು ನಾವು ಒಪ್ಪಲೇ ಬೇಕಾಗುತ್ತದೆ. ಆಮೇಲೆ ತಾಸೀಲ್ದಾರರನ್ನು ನೇಮಕ ಮಾಡಿದೆವು. ಅವರು ಕೆಲಸ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದಾರೆ. ಮುಂದೆ ಚುನಾವಣೆ ಆಯಿತು. ಆ 3 ತಿಂಗಳಿನಲ್ಲಿ ಅಧ್ಯಕ್ಷರಾಗಿ ಕೆಲಸ ಮಾಡಿದ್ದು ಸರಿ ಎಂದು ಒಪ್ಪಲೇ ಬೇಕು. ಇದರಲ್ಲಿ ತಕರಾರು ಇಲ್ಲ ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ.

†ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ನಾವು ಒಪ್ಪೋಣ. ಇದರಲ್ಲಿ ಏನು ಇದೆ ಎಂದರೆ,

" all contracts by and all transactions with the said ex-president, including any order made, anything done or any action taken, by which any property, asset or right was acquired or any liability or obligation in whatsoever manner was incurred during the said period shall be deemed to have been validly made."

ಪ್ರೆಸಿಡೆಂಟರು ಅಪವ್ಯಯ ಮಾಡಿದ್ದರೆ ಏನು ಮಾಡುವುದು ? ತಾವು ಡೀಟೇರ್ಸ್ ಹೇಳಿದರೆ ಒಪ್ಪುವುದ ಕ್ಕಾಗುತ್ತದೆ ಎಂದು ಹೇಳಬಹುದು. ಇಲ್ಲಿ ಕಂಟ್ರಾಕ್ಟ್ಸ್ ಕೂಡ ಇರುವುದರಿಂದ, ಬಹಳ ತೊಂದರೆ ಇರಬಹುದು ಎಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ.

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಹೆಚ್ಚಿಗೆ ಕಂಟ್ರಾಕ್ಟ್ಸ್ ಇಲ್ಲ.

Mr. SPEAKER.—Contract for the supply of milk to the hospital, supply of water or kerosene oil to the lamps in the streets and simple contracts like that.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಮುಖ್ಯಮಂತ್ರಿಗಳು ಹೇಳಿರುವ ಪ್ರಕಾರ High Court has given the verdict.

Mr. SPEAKER.—With regard to election.

Sri C. J. MUCKANNAPPA.—Whatever it may be ; ಎರ್ಡ್ಲಾ ಆರ್ಗ್ಯುಮೆಂಟ್ಸ್ ಅಡ್ಯೂಸ್ ಮಾಡಿದ್ದಾರೆ, ಎರ್ಡ್ಲಾ ಪಾಯಿಂಟ್ಸ್ ಮೇಲೆ ಚರ್ಚೆ ಮಾಡಿದ್ದಾರೆ. ಪೊಸಿಷನ್ ಏನು ಎಂದು ಗೊತ್ತಿಲ್ಲದೆ ಇದು ಬಹಳ ಸಿಂಪರ್ ; ಒಪ್ಪಿಕೊಳ್ಳಿ ಎಂದರೆ ಹೇಗಾಗುತ್ತದೆ ?

Mr. SPEAKER.—The Bill does not seek to validate elections. The grounds on which the election is set aside are not going to be questioned. He has functioned because it was not at that time known that his election was invalid. The High Court for the first time ruled in its judgment that the election was not proper and it set aside the election. Meanwhile time and tide do not wait for anybody. Salary has to be paid and normal administration has to be carried on.

Sri C. J. MUCKANNAPPA.—Is it for this purpose yesterday that they wanted to enter upon the duties of the President ?

Mr. SPEAKER.—This has nothing to do with that.

Sri C. J. MUCKANNAPPA.—Here we do not know what was the matter questioned, whether all these points were just questioned before the High Court, or whether the High Court gave a verdict only regarding election or not. We want to know what exactly is the position here and whether what the Chief Minister said is correct or there is anything more than what he has said.....

Mr. SPEAKER.—The Hon'ble Member has not read the statement of objects and reasons. There it is said :

> "Following the Mercara Town Municipal Elections, Government issued a Notification on 31st May 1963, under Rule 66(1) of the Municipal Election Rules fixing the 2nd June 1963, as the date for the 1st meeting of the newly elected committee. Accordingly, the election of the President and Vice-President was held on the 2nd June 1963, the result of which was quashed by Government in its order dated 31st August 1963, under sub-section (3) of section 12 of the Coorg Municipal Regulations, as the Election held was considered invalid. Pending fresh Election, the Tahsildar, Mercara, was appointed in Government Notification dated 31st August 1963, as the President of the newly elected Committee of the Mercara Municipality to hold the office as such President until a President is duly elected in accordance with the Rules. The ex-President of the Mercara Municipal Committee performed certain functions of the Committee after the expiry of his term of office on the 2nd June 1963 until the Tahsildar, Mercara assumed charge of the office on the 2nd September 1963. It is considered necessary to validate the performance of certain functions by the ex-President of the Mercara Municipal Committee, during the period from the 2nd June 1963 to the 2nd September 1963."

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಮರ್ಕೆರಾ ಮುನಿಸಿಪಾಲಿಟಿ ಕಾನೂನಿನ ಪ್ರಕಾರ ಹೊಸ ಪ್ರೆಸಿಡೆಂಟ್ ಮತ್ತು ವೈಸ್ ಪ್ರೆಸಿಡೆಂಟ್ ಎಲೆಕ್ಷನ್ ನಡೆಸಬೇಕಾದರೆ ತಾಸೀಲ್ದಾರರು ಇನ್‌ಛಾರ್ಜ್ ಇರಬೇಕು. ತಾಸೀಲ್ದಾರ್‌ರು ಇನ್‌ಛಾರ್ಜ್ ಇರುವಾಗ ಅದನ್ನೆಲ್ಲಾ ನೋಡದೆ ಮಾಡಿರು ತ್ತಾರೆಯೇ ? ಮಂತ್ರಿಗಳು ಅದನ್ನು ಏವರವಾಗಿ ಹೇಳಲಿ.

† Sri R. M. PATIL.—The Committee which was elected was in charge of the administration of that municipality. Therefore, there was no question of Tahasildar functioning. The Tahasildar functioned only after the elected Committee was held illegal.

Sri C. J. MUCKANNAPPA.—Who was in charge of the municipality when the offices of President and Vice President were vacant ?

Sri R. M. PATIL.—The previous President and Vice-President and the Council was in charge. There was vacuum because of the illegality of election.

† Sri G. V. GOWDA.—In my humble opinion, there is no need for this validation Bill that is before us for the reasons that I am going to adduce. There was an election of President, and a President was

elected. The president after election assumed charge of the conduct of business of the municipality. After three months, the Government found that the election was invalid. Till it was found out that his election was invalid, he was in legal charge of the municipality and I do not know how the omissions and commissions in the course of his administration would become invalid because of the fact that the election held three months ago was found to be invalid. No illegality has been committed by the President. By virtue of his having been elected on particular date, he assumed charge. He did all the functions of the President. After three months, Government finds the election invalid, and so the duties that he has done during that period are valid and there is no need for any legislation to validate his functions.

Sri R. M. PATIL.— When the election itself was held invalid, his actions become invalid.

Sri G. V. GOWDA.—I am of opinion that there is no illegality and I do not understand how this Bill has come before the House. He has rightly held his office as President till the election was declared invalid.

Sri K. S. SURYANARAYANA RAO.—The point is this, Sir. Take for example a similar case. A Member should be elected to the Legislature before he can become a Minister. The Constitution also provides that any person may be appointed as Minister and he should acquire a seat as a member of the Legislature before a certain period of time. Supposing he does not secure a seat in the legislature, should we take it that all the things he has done as Minister become illegal?

Sri R. M. PATIL.—All these things are to be considered as per the provisions of the Acts which are creating statutory rights. Here in this case, as soon as the election was over, the President took charge. When the election itself was invalid, the illegality has to be validated from the date on which the order was passed. The analogy given by Sri Suryanarayana Rao cannot stand because these things are governed by some other Acts.

Sri K. S. SURYANARAYANA RAO.—I take another example, Sir. Supposing a person is appointed as Minister, by virtue of his being elected to the legislature. Supposing after one year, the High Court sets aside his election. He loses his seat. It does not mean that all the acts done by him become illegal.

It becoms illegal only on this ground. Supposing under the provisions of the Municipalities Acts, such Municipal President cannot continue beyond the period prescribed under the Act, if he continues beyond that period, then it is against the statute, then validation becomes necessary. But in this case, he was duly elected and he assumes charge. Therefore the Rules of procedure have been correctly followed. There cannot be any illegality to be validated.

Sri R. M. PATIL.—When the election itself was held invalid, the functions performed by that individual become illegal. In order to validate these actions, we have brought forward this validating Bill. This will have effect from the date of the order of appointment.

[MR. DEPUTY SPEAKER in the Chair].

†Sri K. LAKKAPPA.—Sir, it is said here :

"(*a*) all contracts by and all transactions with the said ex-President, including any order made, anything done or any action taken, by which any property, asset or right was acquired or any liability or obligation in whatsoever manner was incurred during the said period shall be deemed to have been validly made, done or taken ; "

Considering for a moment that the Municipal President had committed several acts which are repugnant to the Act or against law, could it be legalised by way of bringing this validation Act ? Supposing he had committed fraud, are you right in bringing this Bill to legalise the fraud committed by him ? This means legalising all frauds that he might have committed. All illegal things that he might have committed are sought to be legalised through this. It is negative in character and therefore it cannot be introduced. It is unnecessary.

†Sri R. M. PATIL.—If it is unnecessary, you need not contend. The point is, it is a necessary legislation in order to validate certain acts that have been committed by the President during the course of this period. This has to be considered against the provisions of those Acts. Therefore, they were supposed to be illegal and in order to see that they are validated, this legislation has been brought. That is the main purpose.

Sri C. J. MUCKANNAPPA.—Sir, when was the Committee dissolved, who was in charge when the Committee was dissolved ; the date of the election of the President who was in charge of the Municipality, all these things will come into the picture.

Sri R. M. PATIL.—Clause 2 says :

"In this Act, 'ex-President' means the President of the Mercara Muuicipal Committee, whose term of office expired on the 2nd June 1963."

After the expirty of that period, he continued. Therefore this invalidation has occurred. In order to see that it is validated, we have brought this Bill.

Sri K. S. SURYANARAYANA RAO.—Sir, till now we were led to believe that the election held after the expiry of the term of that ex-President was held illegal after three months, and it was sought to be validated. But now we find that "ex-President means, the President of the Mercara Municipal Committee, whose term of office expired on the 2nd June 1963."

Sri R. M. PATIL.—Both things are correct. The ex-President was functioning beyond the period prescribed. In the meanwhile, if the same person had been elected, then in that case, the election which was

held invalid, will also mean that his action during the period he continued, becomes invalid. Therefore the functioning of the President has to be legalised.

Sri C. J. MUCKANNAPPA.—I want to know when this Committee was dissolved, this Mercara Municipal Committee; when the fresh elections were ordered and when the new committee entered upon its duties.

Sri R. M. PATIL.—All these are mentioned in the statement of objects and reasons.

Sri C. J. MUCKANNAPPA.—Sir, we are not objecting to this measure. Because the Statement of Objects and Reasons is rather misleading, please give us some information about this,—when the committee was elected, when it was dissolved, when the new committee entered upon its duties. Please tell us what the regulation says. Was the previous Committee existing? In the Statement of Objects and Reasons, it is stated :

> "Following the Mercara Town Municipal Elections, Government issued a Notification on 31st May 1963, under Rule 66(1) of the Municipal Election Rules, fixing the 2nd June 1963, as the date for the 1st meeting of the newly elected committee."

Till then, who was in charge of the Municipality? Was it the previous committee?

Sri R. M. PATIL.—Necessarily.

Sri C. J. MUCKANNAPPA.—This is a strange thing. I want to know what that Coorg Municipalities Regulation reads.

Sri R. M. PATIL.—The question is, time has expired on the 2nd. By that time new elections must take place. Accordingly elections were held. During elections there were some irregularities. As such, the Government took action. The previous President continued after the expiry of the period. He functioned beyond the term of office. That is why the actions which the President took during that period are to be regularised, are to be validated.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟಯ್ಯ (ಮೈಸೂರು).—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದರ ಎಲ್ಲ ವಿವರಗಳನ್ನು ಹೇಳಿದರೆ ನಾವು ಒಪ್ಪಬಹುದು. ಒಂದು ರೆಜಿಸ್ಟ್ರೇಷನ್ ತರುವಾಗ ಅದರ ಎಲ್ಲ ವಿವರಗಳನ್ನೂ ಪೂರ್ತಿಯಾಗಿ ಕೊಟ್ಟರೆ ಅನುಕೂಲವಾಗುತ್ತದೆ.

ಶ್ರೀ ಆರ್. ಎಂ. ಪಾಟೀಲ್.—ಅವಕ್ಕೇನು ವಿವರಗಳು ಬೇಕೋ ಅದನ್ನು ಬಿಲ್ಲಿನಲ್ಲೇ ಲಕ್ಷ್ಯ ಕೊಟ್ಟು ಓದಿದರೆ ಅವರಿಗೇ ತಿಳಿಯುತ್ತದೆ.

ಶ್ರೀ ಕೆ. ಲಕ್ಕಪ್ಪ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸರಿಯಾದ ವಿವರಗಳನ್ನು ಒದಗಿಸಿ ಕೊಡಬೇಕು, ಇಲ್ಲದೇ ಇದ್ದರೆ ನಾವು ಹೇಗೆ ಒಪ್ಪುವುದು ?

Mr. DEPUTY SPEAKER.—I will put the Bill to the Vote of the House. The question is :

> "That the Mercara Municipality (Performance of Functions by the Ex-President) Validation Bill, 1966 be taken into consideration."

The motion was adopted.

CLAUSES.

Mr. DEPUTY SPEAKER.—The Bill will now be read clause by clause. Clauses 2 and 3.

The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

CLAUSE 1, TITLE AND PREAMBLE.

Mr. DEPUTY SPEAKER.—The question is :

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri R. M. PATIL.—Sir, I move

"That the Mercara Municipality (Performance of Functions by the Ex-President) Validation Bill, 1966, be passed."

Mr. DEPUTY SPEAKER.—The question is :

"That the Mercara Municipality (Performance of Functions by the Ex-President) Validation Bill, 1966, be passed."

The motion was adopted.

MOTOR VEHICLES (MYSORE AMENDMENT) BILL, 1966.

Motion to consider—(contd.)

Mr. DEPUTY SPEAKER.—The Motor Vehicles (Mysore Amendment) Bill, 1966, that was postponed for consideration will be taken up now. Sri Anna Rao.....

† Sri ANNARAO GANAMUKHI.—Sir, I raised an objection yesterday about a constitutional point regarding this Bill. Now, I find that since this Bill has been printed in the Gazette, there is no motion for leave to introduce the Bill before this House, and so no question about introduction will be put before this House. Therefore, the question of full discussion about the competence of this Assembly cannot